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Promotion and protection of human rights: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Letter dated 27 July 2012 from the Permanent Representative of Uzbekistan to the United Nations addressed to the Secretary-General

I have the honour to convey to you the following information on the coherent liberalization of the judicial system in Uzbekistan.

I would highly appreciate it if you could circulate the attached information as a document of the General Assembly under agenda item 69 (b).

(*Signed*) Murad **Askarov**
Permanent Representative of the Republic of Uzbekistan

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Annex to the letter dated 27 July 2012 from the Permanent Representative of Uzbekistan to the United Nations addressed to the Secretary-General

[Original: Russian]

A gradual liberalization of the judicial and legal system is taking place in Uzbekistan

In the years since independence, profound and qualitative changes have taken place in Uzbekistan's judicial system to ensure that an independent judiciary can dispense justice appropriately and to liberalize the country's criminal legislation. Changes and amendments have been made to criminal, criminal procedural and criminal correctional legislation, primarily to defend human rights, enhance the quality of justice, improve custodial conditions and introduce a reconciliation procedure as a means of administering justice.

A significant part of the ongoing process of liberalizing the legal and judicial system and criminal penalties in the Republic of Uzbekistan has been the steady reduction of the scope of the death penalty. In accordance with its international obligations, the Republic of Uzbekistan has gradually reduced the number of articles of the Criminal Code providing for the death penalty.

Prior to 1998, the Criminal Code contained 13 articles that made provision for the death penalty. As a result of intensive engagement by the State's non-judicial human rights bodies (the National Human Rights Centre of the Republic of Uzbekistan, the Ombudsman and non-governmental organizations), the Parliament of Uzbekistan adopted the law of 29 August 1998 on amendments and additions to certain legislative acts of the Republic of Uzbekistan, which removed provision for the death penalty in relation to five offences in the Criminal Code: gratification of unnatural sexual desires by force; violation of the laws and customs of war; an attempt on the life of the President of the Republic of Uzbekistan; organization of a criminal association; and smuggling. Subsequently, a law of 29 August 2001 established that the death penalty could be imposed for just four offences: premeditated murder under aggravating circumstances, an act of aggression, genocide and terrorism. On 13 December 2003, the death penalty was eliminated from an additional two articles of the Criminal Code, namely those relating to an act of aggression and genocide.

The most significant achievement of the reforms carried out in Uzbekistan to liberalize and humanize the judicial and legal system was the full abolition of the death penalty. On 1 August 2005, a Presidential decree on the abolition of the death penalty in the Republic of Kazakhstan was adopted. It provided for the abolition of the death penalty as a form of criminal punishment as of 1 January 2008. No convicted person has had their death sentence carried out since the date of issuance of the decree, that is, there has been a de facto moratorium on the execution of judicial decisions involving the death penalty.

On 11 July 2007, the Parliament of Uzbekistan adopted the law on amendments and additions to certain legislative acts of the Republic of Uzbekistan in connection with the abolition of the death penalty and on 10 December 2008 it

ratified the Second Optional Protocol to the International Covenant on Civil and Political Rights.

The death penalty was commuted to a life sentence or a long term of imprisonment, which may not be imposed on women, minors or persons over 60 years of age. A life sentence is imposed only for premeditated murder under aggravating circumstances or for an act of terrorism involving the death of a person or other serious consequences.

A life sentence is a time-tested legal mechanism for ensuring that especially serious crimes receive a severe but just punishment and that accountability is inevitable. In the case of a life sentence, the statute of limitations does not apply to criminal liability or to the penalty. Conditional release is also not possible for those sentenced to life imprisonment or to a long term of imprisonment.

The concept of a long term of imprisonment and a rule defining its limits have been introduced into the Criminal Code. In particular, the legislation specifies that imprisonment for a period of more than 20 years, but no more than 25 years, constitutes a long term of imprisonment and is imposed only for premeditated murder under aggravating circumstances or an act of terrorism causing the death of a person or other serious consequences.

The Criminal Code provides for the possibility of pardoning a person sentenced to life imprisonment. The law defines the criteria for granting or not granting a pardon to those convicted to life imprisonment or a long term of imprisonment, which fully reflects the basic principles of the 1995 United Nations recommendations concerning life imprisonment. Accordingly, the law on amendments and additions to certain legislative acts of the Republic of Uzbekistan in connection with the abolition of the death penalty provides that a person sentenced to life imprisonment may apply for a pardon after actually serving 25 years, or after 20 years for persons sentenced to a long term of imprisonment.

It should be noted that the aforementioned legal rules exclude the possibility of the convicted person's arbitrary release from accountability or of abuse of discretion in that area. These rules and mechanisms also provide a motivation for convicted persons to reform themselves and leaves them the hope of returning to a normal life after their release.

Great importance is attached to the study of foreign experience with the imposition of life sentences. International organizations are providing support for a study of experience with persons serving life sentences in countries such as the United Kingdom, Germany, Finland, Poland, the Czech Republic, Slovakia, Latvia and others.

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General Assembly
Sixty-sixth session
Agenda items 34, 35 and 39

Prevention of armed conflict

Protracted conflicts in the GUAM area and their implications for international peace, security and development

The situation in the occupied territories of Azerbaijan

Security Council
Sixty-seventh year

Letter dated 1 August 2012 from the Permanent Representative of Armenia to the United Nations addressed to the Secretary-General

Upon instructions from my Government, I have the honour to draw your attention to the ongoing violations of the ceasefire by the military forces of the Republic of Azerbaijan recorded for July 2012 (see annex).

I should be grateful if you would circulate the present letter and its annex as a document of the General Assembly, under agenda items 34, 35 and 39, and of the Security Council.

(*Signed*) Garen **Nazarian**
Ambassador
Permanent Representative

12-45143 (E) 150812

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Annex to the letter dated 1 August 2012 from the Permanent Representative of Armenia to the United Nations addressed to the Secretary-General

Violations of the ceasefire by the armed forces of the Republic of Azerbaijan from 1 to 31 July 2012

1. On the borderline of the Nagorno Karabakh Republic:

Total number of violations — 1,200

Total number of shots – 5,358

PK – 773, SVD — 560, AK – 3,820, DSHK – 81, RPK – 55, Sev net – 3, Istigal – 51, RPG – 1, NSVT – 4

2. On the borderline of the Republic of Armenia (see table below):

Total number of violations — 274

Total number of shots – 4,352

PK – 1,739, SVD — 351, Sev net – 127, AK – 1,589, RPK – 20, DSHK – 366, Utyos – 160

Number	*Date*	*Direction*	*Time*	*Type of weapon*	*Ammunition*	*Results of violations*
1.	1 July	Barcruni	2230	SVD	5	
2.				PK	30	
3.			2305	SVD	4	
4.				PK	40	
5.		Baghanis	2245	AK	12	
6.	2 July	Voskepar	1725	AK	4	
7.		Barekamavan	2010	AK	4	
8.			2010	AK	4	
9.		Berqaber	2350	AK	20	
10.	3 July	Khndzorut	0015	AK	20	
11.		Chinari	0340	AK	2	
12.			2145	SVD	1	
13.		Movses	1605	PK	40	
14.			1845	AK	2	
15.		Aygepar	2045	AK	3	
16.		Berqaber	2210	PK	7	

Number	*Date*	*Direction*	*Time*	*Type of weapon*	*Ammunition*	*Results of violations*
17.	4 July	Vazashen	0240	PK	55	
18.			0240	AK	4	
19.			0245	AK	40	
20.		Kuturdag	1300	DSHK	11	
21.		Koti	1530	PK	8	
22.		Aygepar	1730	AK	1	
23.		Berdavan	1735	SVD	10	
24.				PK	10	
25.				AK	10	
26.	5 July	Movses	2145	AK	18	
27.		Barcruni	1330	AK	4	
28.			2100	AK	3	
29.	6 July	Berdavan	0020	AK	7	
30.		Chinari	1900	AK	2	
31.		Barcruni	2125	PK	2	
32.			2200	AK	4	
33.				SVD	9	
34.		Movses	2245	AK	11	
35.		Aygepar	2245	AK	2	
36.		Voskepar	2315	AK	20	
37.		Khndzorut	2315	AK	26	
38.			2340	AK	40	
39.				RPK	20	
40.	7 July	Sarigyugh	0055	AK	25	At 1215 p.m. Armenian armed forces serviceman Levon Tamrazyan was fatally wounded from the fire of the Azerbaijani side 450 metres from the village of Paravaqar at the borderline in the combat outpost, while conducting military engineering activities.
41.			0130	AK	5	
42.		Voskepar	0005	AK	7	
43.		Barcruni	1140	PK	2	
44.			1350	SVD	3	
45.			2350	PK	3	

Number	*Date*	*Direction*	*Time*	*Type of weapon*	*Ammunition*	*Results of violations*
46.		Chinari	1940	SVD	2	
47.			1945	SVD	1	
48.		Paravaqar	1215	AK	1	
49.			2020	PK	110	
50.				SVD	35	
51.				AK	55	
52.		Movses	2100	SVD	8	
53.		Aygepar	2305	AK	3	
54.		Kiranc	2315	PK	7	
55.	8 July	Vazashen	0010	PK	10	
56.				AK	3	
57.		Baghanis	0200	PK	60	
58.				AK	20	
59.		Movses	0215	AK	4	
60.			0215	AK	3	
61.			0300	AK	5	
62.			1645-1700	AK	12	
63.			2350	AK	4	
64.		Aygepar	0915	AK	1	
65.			1025	AK	1	
66.		Yanshak	1930-2010	DSHK	150	
67.				Utyos	150	
68.				PK	50	
69.		Chinari	0925	SVD	10	
70.				AK	5	
71.			2345-2350	SVD	9	
72.				AK	4	
73.		Barcruni	1020	SVD	10	
74.		Koti	2050	AK	15	

Number	*Date*	*Direction*	*Time*	*Type of weapon*	*Ammunition*	*Results of violations*
75.			2205	AK	3	
76.	9 July	Arevaberd	1230	DSHK	6	
77.			1810	DSHK	10	
78.				AK	25	
79.				AK	10	
80.		Nerqin Karmiraghbyur	2235	PK	25	
81.		Barcruni	2230	AK	4	
82.	10 July	Chinari	1900	PK	10	
83.		Movses	2340	AK	2	
84.			2345	AK	2	
85.		Nerqin Karmiraghbyur	2350	AK	2	
86.	11 July	Chinari	0035	AK	2	
87.			1135	SVD	1	
88.			1730	Black Arrow	3	
89.			1750	SVD	7	
90.		Aygepar	1130	SVD	6	
91.			1825	PK	1	
92.		Berqaber	1945-2010	PK	20	
93.		Nerqin Karmiraghbyur	2230	AK	5	
94.		Koti	2250	AK	3	
95.		Berdavan	2315	AK	5	
96.	12 July	Aygepar	1140	SVD	4	
97.			1635	SVD	2	
98.		Movses	1140	AK	2	
99.			2340	AK	5	
100.		Vazashen	2210	PK	8	
101.		Khndzorut	2225	AK	2	

Number	*Date*	*Direction*	*Time*	*Type of weapon*	*Ammunition*	*Results of violations*
102.	13 July	Khndzorut	0045	AK	30	
103.			0145	SVD	5	
104.			1455	AK	1	
105.				SVD	1	
106.		Baghanis	1805	AK	1	
107.			2110	PK	1	
108.				AK	10	
109.			2230	AK	6	
110.		Berqaber	2235	AK	3	
111.		Movses	2330	DSHK	9	
112.				PK	35	
113.	14 July	Yanshak	0900-0920	Black Arrow	15	
114.		Aygepar	1225	AK	1	
115.		Nerqin Karmiraghbyur	1415	AK	1	
116.		Barcruni	1820	Black Arrow	7	
117.		Baghanis	1910	AK	3	
118.			2340	AK	2	
119.		Chinari	2150	SVD	5	
120.			2330	AK	15	
121.	15 July	Movses	1735	AK	1	
122.		Barcruni	1820	SVD	3	
123.		Aygedzor	2130	AK	75	
124.	16 July	Berdavan	0001	AK	15	
125.			0020	PK	5	
126.				AK	10	
127.		Movses	0010	AK	1	
128.		Nerqin Karmiraghbyur	0020	AK	4	
129.		Berqaber	0155	AK	3	

Number	*Date*	*Direction*	*Time*	*Type of weapon*	*Ammunition*	*Results of violations*
130.		Barcruni	2020	SVD	15	
131.			2030	PK	50	
132.	17 July	Nerqin Karmiraghbyur	1230	AK	2	
133.			2105	AK	3	
134.		Barcruni	1445	SVD	12	
135.				Black Arrow	21	
136.		Chinari	1635	PK	20	
137.				SVD	2	
138.		Movses	1855	AK	4	
139.			1955	AK	5	
140.			2040	AK	10	
141.			2105	AK	8	
142.		Lev	2200	Black Arrow	10	
143.				DSHK	20	
144.		Aygepar	2215	AK	1	
145.	18 July	Khndzorut	0105	SVD	2	
146.		Paravaqar	0155	AK	25	
147.				PK	40	
148.			0235	PK	15	
149.		Lev	0220	PK	15	
150.		Barcruni	1200	Black Arrow	4	
151.				SVD	30	
152.				PK	15	
153.			1715	PK	25	
154.			1730	SVD	3	
155.				Black Arrow	4	
156.				PK	45	
157.			1815	Sev net	4	

Number	*Date*	*Direction*	*Time*	*Type of weapon*	*Ammunition*	*Results of violations*
158.			1830	DSHK	10	
159.		Movses	1720	AK	3	
160.			2115	AK	15	
161.	19 July	Baghanis	1030	AK	1	
162.		Aygepar	1520	AK	3	
163.		Movses	1535	DSHK	2	
164.			1915	AK	3	
165.	20 July	Movses	0030	AK	2	
166.		Aygepar	0150	AK	1	
167.			1120	AK	3	
168.		Nerqin Karmiraghbyur	0150	AK	1	
169.			2030	AK	2	
170.		Eraskh	1700	AK	2	
171.		Baghanis	1820	AK	2	
172.	21 July	Chinari	0230	SVD	10	At midnight 800 metres from the village of Nerqin Karmiraghbyur a civilian from that village, Gor Parsyan, was wounded by the Azerbaijani side while performing agricultural work.
173.				AK	15	
174.			0230	PK	20	
175.			1440	SVD	7	
176.			1455	SVD	15	
177.				PK	100	
178.				DSHK	40	
179.		Nerqin Karmiraghbyur	1200	DSHK	25	
180.				PK	20	
181.			1805	DSHK	6	
182.		Movses	1340	AK	5	
183.			2230	DSHK	4	
184.		Berdavan	2120	PK	20	
185.	22 July	Barcruni	1645	Black Arrow	2	

Number	Date	Direction	Time	Type of weapon	Ammunition	Results of violations
186.				PK	10	
187.			2055	PK	20	
188.		Baghanis	2045	AK	4	
189.		Chinari	2100	PK	15	
190.		Paravaqar	2100-2120	AK	150	
191.				SVD	30	
192.				DSHK	20	
193.		Aygedzor	2240	AK	10	
194.	23 July	Nerqin Karmiraghbyur	0835	AK	2	
195.			1240	AK	6	
196.		Chinari	1635	PK	15	
197.				SVD	5	
198.				DSHK	10	
199.			2315	AK	23	
200.				Black Arrow	1	
201.		Mehrab	1710	AK	2	
202.		Choporlu	1850	Black Arrow	2	
203.				DSHK	4	
204.				PK	4	
205.			1910	Black Arrow	3	
206.				DSHK	4	
207.		Movses	2310-2325	AK	31	
208.	24 July	Movses	0001	AK	25	
209.			2250	AK	12	
210.		Baghanis	0430	AK	8	
211.		Vazashen	1045	PK	20	
212.		Shavarshavan	1050	AK	4	
213.		Barcruni	1050	AK	90	

Number	*Date*	*Direction*	*Time*	*Type of weapon*	*Ammunition*	*Results of violations*
214.				PK	100	
215.		Vahan	1935	PK	15	
216.		Chinari	2010	Black Arrow	8	
217.			2130	AK	6	
218.		Nerqin Karmiraghbyur	2035	AK	2	
219.	25 July	Barcruni	0920	AK	20	
220.				PK	100	
221.				Black Arrow	7	
222.		Nerqin Karmiraghbyur	1650	AK	5	
223.			2330	AK	2	
224.		Lev	1830	DSHK	25	
225.				Utyos	10	
226.				Black Arrow	6	
227.				PK	100	
228.	26 July	Chinari	0110	PK	15	
229.			0110-0130	PK	35	
230.				AK	45	
231.			2230	SVD	20	
232.				AK	80	
233.		Tigranakert	1305	AK	2	
234.		Lev	1400	Black Arrow	5	
235.				PK	60	
236.			1410	Black Arrow	20	
237.				PK	10	
238.		Barcruni	2055	AK	20	
239.				PK	30	
240.			2135	AK	30	
241.		Baghanis	2225	AK	10	

Number	*Date*	*Direction*	*Time*	*Type of weapon*	*Ammunition*	*Results of violations*
242.			2305	AK	10	
243.				PK	5	
244.			2315	AK	15	
245.				PK	6	
246.		Movses	2320	AK	4	
247.	27 July	Mehrab	1220	Black Arrow	1	
248.		Aygepar	1555	PK	30	
249.		Barcruni	1840	Black Arrow	4	
250.				PK	100	
251.				SVD	40	
252.				AK	30	
253.	28 July	Chinari	2130	SVD	4	
254.				AK	15	
255.				PK	6	
256.		Aygepar	2330	PK	6	
257.	29 July	Chinari	1435	SVD	3	
258.			1800	AK	10	
259.		Movses	1825	AK	5	
260.			1930	AK	7	
261.	30 July	Aygepar	0120	AK	8	
262.			1830	AK	12	
263.		Paravaqar	1130	AK	20	
264.			1440	AK	10	
265.		Barcruni	1815	PK	20	
266.		Shavarshavan	2035	PK	6	
267.	31 July	Voskepar	0020	AK	8	
268.		Barcruni	1130	PK	10	
269.			1235	PK	30	
270.				SVD	12	
271.		Chinari	1950	DSHK	10	

Number	*Date*	*Direction*	*Time*	*Type of weapon*	*Ammunition*	*Results of violations*
272.				PK	40	
273.			1950	AK	40	
274.		Berdavan	2355	PK	7	

Abbreviations:
PK Kalashnikov machine gun
SVD 7.9 mm sniper weapon
AK Kalashnikov rifle
DSHK 12.7 mm machine gun
RPK 5.45 mm machine gun
Utyos 12.7 mm machine gun
NSVT 12.7 mm machine gun
Istigal 14.5 mm machine gun
Sev net 12.7 mm sniper weapon
RPG Rocket-propelled grenade